

**Hearing before the House Committee on the Judiciary
Subcommittee on Immigration, Border Security, and Claims**

**Oversight Hearing on
"The Need to Implement WHTI to Protect U.S. Homeland Security."**

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Testimony of Janice L. Kephart

President, 9/11 Security Solutions LLC

Former counsel, The National Commission on Terrorist Attacks Upon the United States and an author of *September 11 and Terrorist Travel, A Staff Report of the National Commission on Terrorist Attacks Upon the United States* and "Immigration and Terrorism: Moving Beyond the 9/11 Staff Report on Terrorist Travel"

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Introduction

Thank you for the opportunity to submit testimony for the record on *terrorist travel* and the *Western Hemisphere Travel Initiative*. My testimony is based on the following work, plus additional research specific to today's hearing:

- As a counsel to the Senate Judiciary Subcommittee on Technology, Terrorism and Government Information prior to 9/11;
- As a counsel on the 9/11 Commission "border security team" which produced the *9/11 Final Report* draft recommendations and analysis;
- As an author of the 9/11 staff report, *9/11 and Terrorist Travel*;
- As the senior consultant for the Investigative Project on Terrorism on a to date unpublished report entitled "An In-Depth Analysis of the Structure of Al Qaeda and Militant Islamic Terrorist Groups in the United States: The Enterprise of Terror in the United States" in March 2005; and
- As the author of a September 2005 Center for Immigration Study report, "Immigration and Terrorism: Moving Beyond the 9/11 Staff Report on Terrorist Travel."

At the Commission, I was responsible for the investigation and analysis of the INS and current DHS border functions as pertaining to counterterrorism, including the 9/11 hijackers' entry and acquisition of identifications in the United States. My team also produced the drafts of the *9/11 Final Report* recommendations that were unanimously agreed to and refined by 9/11 Commissioners led by Governor Tom Kean and Representative Lee Hamilton.

I want to thank both Chairman Hostettler and Ranking Member Jackson Lee for holding this field hearing on the Western Hemisphere Travel Initiative. I am glad the Committee remains supportive of the policy we put forth in the *9/11 Final Report* of securing our borders alongside assuring facilitation for low risk commerce and commuters.

It is my hope that this Committee will continue to exercise their oversight authority on the important issue of terrorist travel and overall border. I hope your Committee will help insure that the House works with the Senate in conference to deal straight on with the issues brought forward by the Coleman WHTI amendments now attached to the immigration bill in conference. We must reserve the current trend that is submerging national security interests—rather than holding equal- to issues pertaining to economic facilitation when considering changes to our border system apparatus. To uphold our national security interests, we must continue to be vigilant in providing the best and least intrusive means to secure our borders.

We can argue all we want about how to achieve the balance between actual secure borders and facilitation of trade and commerce, but we cannot *ever* afford to say it is not important or there is a segment of our border apparatus to which security does not apply. Nor can we afford to unravel well-based recommendations of the 9/11 Commission and passed into law by this body. Lest we forget that September 11 has taught us that secure borders are a matter of national security.

We must treat our borders as they truly are: as a marker of U.S. sovereign rights to assure that people who seek to come here are who they say they are, and will not cause a public safety or terrorist threat to American citizens. At the border, the passport is the manner in which we as a nation can better assure that the people who seek to come here do so for legitimate reasons. A top priority in all we do in border security must then be to assure practical, on the ground, security measures at our ports of entry and physical borders.

However, let me be clear: we need not give up privacy nor give up commerce to attain border security. In fact, with efficient and streamlined security, privacy and commerce are both enhanced. People and goods that should make it through the system in an efficient manner are more likely to be when the acceptable forms of travel documents go from dozens to one, and trusted or registered traveler/commercial programs augment the system as also being acceptable as an alternate to a federally issued travel document.

Below I discuss: (1) new laws addressing terrorist travel; (2) why the 9/11 Commission made the recommendation for a passport requirement for all entrants; (3) why a terrorist threat exists at both borders; (4) why the Western Hemisphere Initiative is an essential first step in addressing that threat; and (5) alternatives to the Coleman amendments.

The remainder of the testimony will cover the terrorist threat and border incursions by terrorists from Canada, Mexico and South America and Caribbean. I include South America not only because it is a critical element of the Western Hemisphere, but also because of its rampant terrorist support and activity alongside well-known forgery and counterfeiting of documents in these regions. Any delay in implementing WHTI will also result in a delay in hindering these terrorists travel to the United States on forged documents such as birth certificates and driver licenses.

New laws addressing terrorist travel

National Intelligence Reform Act of 2004

I wish to applaud Congress for passing the National Intelligence Reform Act of 2004, and the Chairman and the members of this committee that voted for it. That law contains many important terrorist travel provisions, including the new passport rules that are the subject of today's hearing. I look forward to working with this Committee in supporting the need to implement this law in step with the *9/11 Final Report* recommendations.

The rollout for the Western Hemisphere Travel Initiative is as follows:

1. December 31, 2006 – Requirement applied to all air and sea travel to or from Canada, Mexico, Central and South America, the Caribbean, and Bermuda.
2. December 31, 2007 – Requirement extended to land border crossings as well as air and sea travel.

A two-tiered rollout is absolutely essential. Kinks in implementing the Initiative can be worked out prior to execution at the land border ports of entry, which experience higher volumes of incoming applicants alongside commercial, and commuter traffic. A delayed roll-out until the statutory deadline of January 1, 2008 will not only unnecessarily impact our national security, but will nearly assure a bureaucratic death for a new program which requires both the technology and the border officers to work seamlessly in practice.

Working within the mandate of the Intelligence Reform Act, the State Department is working on alternatives to a passport for the communities adjacent to our physical borders with Canada and Mexico. To accommodate the concerns expressed in the hundreds of comments on the rulemaking, the State Department is planning to introduce a Department of State-produced Passport Card that can act as a U.S. passport in an alternative format with all the security features and vetting of a U.S. passport. DHS and State have agreed that the biometric taken will be the same as the U.S. passport- a facial image.

As planned, it will be available at the 7,000 offices that already process passports and cost about half as much as a U.S. passport. It will look much like a driver's license and fit into a wallet, but will not actually contain biometrics (identity) and registration information (citizenship). Instead, it will link back into a State/DHS database that will verify the cardholder with the card information (thereby protecting privacy).

The Passport Card will also serve as a platform to which DHS can add privileges for registered travelers. If the traveler wants to add these "privileges", Customs and Border Protection will need to collect 10 fingerscans, and conduct a full criminal background check and an interview. Again, those "privileges" will be registered in a joint run DHS-State database, not the card, and can expire or be revoked by DHS. The biometric feature will allow DHS to identify the benefits to which the traveler is entitled. Along with this card, NEXUS (northern border commuters), SENTRI (southern border commuters) and FAST (northern border commercial drivers), and the Border Crossing Card (Mexican laser visa) will also likely be an acceptable as a substitute for a passport and a visa for traveling to the United States from North or South America, including the Caribbean.

This card will be a better selling point to the border communities and others who will benefit from it if and when DHS and the State Department must resolve if and how RFID

technology will be added to it, or whether those with the travel card will have dedicated lanes. A traveler will then not only have the added value of an easy carrying and cheaper option for a passport, but also have the added value of possession of the card truly facilitating entry at land POEs. With the proper physical and technological infrastructure and human resources in place, the potential for increasing security and facilitating trade and travel is manifold.

It is positive to see the Immigration Reform Act of 2006 embracing the card.

REAL ID Act of 2005

I also want to thank Congress for their work in making driver licenses meet minimum standards of verification and authenticity. The REAL ID Act was passed in large part to counter the ease with which the 9/11 hijackers attained 14 driver licenses and 10 state issued identifications from California, Florida, Maryland and Virginia.¹ We know that at least 6 hijackers presented these ids on the morning of 9/11 to disguise their lack of affiliation with the United States.²

The policy behind the REAL ID Act is to make it more difficult for terrorists and those who seek to circumvent U.S. laws to embed in the United States. The law brings identifications issued within the United States closer in step (although not completely) with our latest requirements for secure and verifiable travel documents for entry into the United States. I must be clear about another matter: state issued driver licenses can never replace U.S. passports for the purpose of entry into the United States by U.S. citizens. A list of reasons includes:

- States are not required to follow the requirements of the REAL ID Act, so we can not be assured that all driver licenses presented to border officers meet the requirements of the REAL ID Act.
- REAL ID requires lawful presence in the United States, not citizenship, so even under REAL ID nationality cannot be determined by simply presenting a driver's license.
- Applicants are not vetted for national security concerns or against terror watchlists.
- Driver license applicants receive an automatic check for fraud in the manner that passport applicants do via checks by the State Department's Diplomatic Security investigators.
- Driver licenses do not contain the same type of biometric information required in passports and checked by U.S. Visit or the registered traveler programs like NEXUS and FAST. Without the biometric that can be verified in real time, border officers are denied the opportunity for a real time verification of, for example, a digital photo on the driver license as matching the applicant for entry.

¹¹ See *9/11 and Terrorist Travel: A Staff Report of the National Commission on Terrorist Attacks Upon the United States* (Franklin, Tenn.: Hillsboro Press, 2004) at p. 44. It is available in book form at http://providence-publishing.com/Merchant2/merchant.mvc?Screen=PROD&Store_Code=PP&Product_Code=9ATT&Category_Code=FTANR.

² Ibid at p. 43.

- There are 240 varieties of state-issued driver licenses. A single document like the passport can be trained for forensic review by border inspectors, but we can never ask border inspectors to verify 240 varieties of driver licenses (or even 50 for that matter) in the 45 second time frame that most inspectors are allocated to adjudicate an applicant seeking admission into the United States.
- None of these facts are changed by adding a citizenship notification to a license, as suggested in the current language of the Coleman Amendment to the Immigration Reform Act of 2006.

The 9/11 Commission Recommendation Regarding Passports

In a now oft-repeated quote from the 9/11 Final Report, we summarized our findings based on 18 months of research into how the 9/11 hijackers got in and stayed in the United States as follows:

For terrorists, travel documents are as important as weapons. Terrorists must travel clandestinely to meet, train, plan, case targets, and gain access to attack. To them, international travel presents great danger, because they must surface to pass through regulated channels, present themselves to border security officials, or attempt to circumvent inspection points.

In their travels, terrorists use evasive methods, such as altered and counterfeit passports and visas... immigration and identity fraud. These can sometimes be detected. (p. 384)

The Report continues later with clear recommendations:

Americans should not be exempt from carrying biometric passports or otherwise enabling their identities to be securely verified when they enter the United States; nor should Canadians or Mexicans. Currently U.S. persons are exempt from carrying passports when returning from Canada, Mexico, and the Caribbean. They current system enables non-U.S. citizens to gain entry by showing minimal identification. The 9/11 experience shows that terrorists study and exploit America's vulnerabilities.

To balance this measure, programs to speed known travelers should be a higher priority, permitting inspectors to focus on greater risks. The daily commuter should not be subject to the same measures as first-time travelers. An individual should be able to pre-enroll, with his or her identity verified in passage. Updates of database information and other checks can ensure ongoing reliability. The solution, requiring more research and development, is likely to combine radio frequency technology with biometric identifiers. (p. 388)

Senate Immigration Bill Amendments Regarding WHTI

The current Coleman WHTI amendments to the Immigration Reform Act of 2006, as currently written, will effectively dismantle the purpose and goals set out by the 9/11 Commission and Congress when it wrote and passed WHTI into law.

It is unfortunate that the May 25, 2006 press release from Senator Coleman makes no mention of the need for secure borders as a basic underlying policy in formulating border strategy. Instead, the Senator's amendment provides a rather vague list of requirements for WHTI that will be so difficult to measure, take so long to achieve, will require more funds to fulfill, and delays implementation for at least three more years so that the amendment effectively will kill WHTI. Take for example the vague language requiring DHS to "certify" certain activity prior to implementation as described by Senator Coleman's press release:

- Meeting the deadline for implementing WHTI is contingent upon the certification of the following (among other requirements):
 - Passport cards have been distributed to at least 90 percent of applicants, are turned around in a timely fashion, and have been tested in a pilot.
 - Border patrol officers are prepared to accept these documentary alternatives to a passport.
 - US border crossings have been equipped with document readers and technology so that the new requirements will not substantially slow the flow of traffic.

In other words, in a best-case scenario, the Coleman Amendment puts the implementation of WHTI out eight years from 9/11, when basic procedures could begin to be phased in now. That, to the victims of 9/11 and to the American people as a whole, borders on irresponsible.

Addressing WHTI Concerns

The concern now is that WHTI, by requiring a passport or equivalent document of every person coming into the United States, is going to substantially impede the flow of trade and tourism across ports of entry. These concerns, which underlie much of the opposition to WHTI, are based on faulty assumptions:

1. Passports or an approved equivalent will significantly slow down traffic at POEs. How could this be? WHTI takes away from the border inspector the need to question and review in depth (and never verify) the authenticity of thousands of varieties of birth certificates (about 50,000 in the US today) and driver licenses (about 240 varieties today) down to a passport or equivalent that verifies-- at a much lower rate of fraud- citizenship and identity.
2. That security is sufficiently achieved by retaining random checks of vehicles and their passengers at land POEs. This is the underlying concern, really: that eventually *all* persons will be checked coming into the United States. Opponents know that this is not a winning argument, but my extensive discussions with opponents of WHTI have made it clear that, once all their arguments are peeled back, their main concern is that WHTI applies even-handedly to *everyone*.

3. RFID technology and the type of RFID applied, and by whom, is the key to operationally implement WHTI. That simply is not the case. By modeling and simulating different courses of action not just with RFID but also with the use of lanes and personnel—e.g. maximizing the best use of the physical infrastructures at POEs, we can mitigate much of the potential concern about WHTI slowing down trade and tourism.

This may not seem potentially important, but the fractions of seconds that a good modeling and simulation decision tool can change for any variety of potential problems and solutions can take a port of entry from backing up for miles to having solid traffic flow-through. Each port can be modeled separately to determine the best implementation of WHTI. Security and commerce can thus be achieved without making it an “either or” debate, or causing unnecessary delays in its implementation. This has already been done for personnel allocation and physical infrastructure changes for POEs with significant positive impact. It only makes sense to apply M&S to policy initiatives that have operational impact for POEs such as WHTI.

Nexus and FAST

Streamlining the admission process for low risk travelers augments U.S. national security by permitting the immigration and customs officers who enforce U.S. immigration law at the border to focus on those seeking entry who may pose a national security risk. This does not mean that sleeper cell style terrorists could not exploit, for example, NEXUS and FAST, on the northern border or SENTRI on the southern border. Of course they could. However, there is little incentive for them to risk being vetted in watchlists and criminal databases and having an enrollment in a U.S. government program that could highlight their identity, freezes their biometric and travel patterns. The result is that programs like these, as long as they are tamper proof on a number of levels, should be sufficient to replace the passport as a viable biometric travel document. Our *9/11 Final Report* and the findings of my team’s *9/11 and Terrorist Travel* both support that conclusion.

In addition, these programs—once they have achieved a threshold of enrollment-- are proving their worth in cutting down wait times at northern land ports of entry for all entrants, siphoning off the SENTRI, NEXUS and FAST drivers and passengers into dedicated lanes and allowing wait times for remaining travelers to be reduced as well. Right now, SENTRI exists at three locations on the southern border with 30 lanes operating and NEXUS exists at 12 land border ports of entry and has 15 lanes. FAST is in place at 35 land ports of entry and has 136 dedicated lanes. Canadian NEXUS now exists at eight land border ports of entry for commerce flowing from the United States into Canada. NEXUS has reduced processing time from a potential stop by a border officer to a guaranteed five to seven second crossing time once at the border station.

The result is that commerce—in terms of commuter and commercial traffic, as well as tourism- is enhanced across the board, a win-win situation. Americans commuting to Canada will find a similar upgrade in their wait times when the Canadians expand their

version of NEXUS, with a contract just recently awarded for a Canadian NEXUS to be developed further and installed over the next few years.

We must work to insure that NEXUS, FAST and SENTRI are easily available to those who seek to enroll, and that the ports are configured to maximize the benefits of the program.

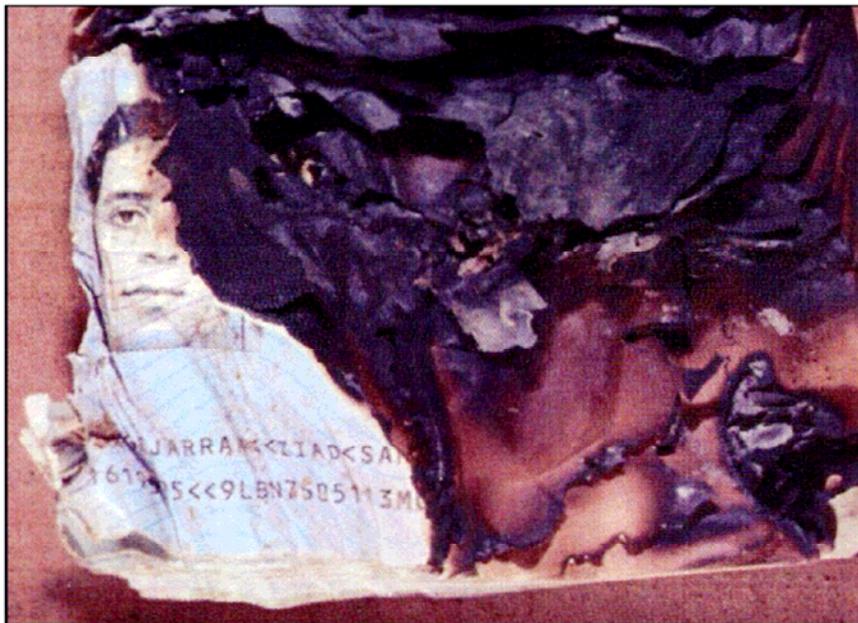
Terrorist Travel and Passports

Terrorists need to travel in a manner that shields them from detection or suspicion. In the Al Qaeda Afghan training camps, we know that terrorists were well trained in travel and travel document forgery. Terrorists were instructed in how to move into Afghanistan through Iran or Pakistan, and what travel facilitators to use for acquiring travel documents and travel. Digital copies of travel documents were kept in e-files in safehouses (we obtained a couple of 9/11 hijacker passports from such files), and Adobe Photoshop was a favorite tool for manipulating multiple forms of identifications, including passports. Upon leaving training camps, Khalid Sheikh Mohammed (mastermind of the 9/11 plot) would instruct new recruits on how to behave to pass into the West unsuspected.

We know 9/11 operational ringleader Mohammad Atta used his training as well to manipulate passports to hide travel and substitute information that would leave a fraudulent trail of less suspicious travel.

For the terrorist, the underlying purpose of the travel will often determine how he decides to travel. For example, the nineteen 9/11 hijackers had a mission which required a relatively short time for legal admission into the United States, but also required that none of them be compromised for failure to obey immigration law. (Violations of law did exist; it was the federal government that failed exercise its authority under the law.) Therefore, they needed to appear “clean” to immigration authorities.

They thus worked hard to appear to follow the rules. They all had passports. (Thirteen acquired new passports within three weeks prior to seeking U.S. visas. A number had indicators of extremism that remain classified today and still other passports contained fraudulent manipulations.) They all had visas (22 or 23 applications were approved). They all sought entry through immigration inspection kiosks at U.S. international airports (a total of 34 times over 21 months). In the five times 9/11 hijackers were pulled into secondary, only once did a hijacker resist questioning, and then quickly became cooperative once a new inspector was assigned to conduct the questioning. In two cases terror alerts or visa revocations were placed in the immigration system; but it was too late-- in August 2001, subsequent to the last successful 9/11 hijacker entry in July 2001.



A partly-burned copy of Ziad Jarrah's U.S. visa recovered from the Flight 93 crash site in

In other words, the 9/11 hijackers had been taught what to do to attain successful entry into the United States. The frustrating irony is that at least some of the hijackers could have been denied admission into the United States if critical information had been provided to border officers via lookouts or regarding the passports themselves. Today, we have the ability to provide that information to our border security personnel *as long as a passport or verifiable biometric equivalent is required for admission*. However, where there is no passport or equivalent biometric travel document required for admission, as is currently the de facto case in the Western Hemisphere, our border personnel have little to no baseline upon which to make an initial judgment about whether a particular individual may pose a terrorist or public safety threat to the United States.

WHTI Was Put in Place Due to the Findings of the 9/11 Commission on Terrorist Travel; These Findings Are Still Valid

Today, terrorists with Canadian, Caribbean or Mexican citizenship can move in and out of the United States right virtually unconcerned about detection. There are legitimate concerns about both the northern, southern and sea borders. (The remainder of this testimony provides supporting factual detail.) The Western Hemisphere Travel Initiative thus becomes an important first step in at least chilling terrorist travel between the U.S. and Canada/Mexico and the Caribbean. This includes any variety of terrorist, whether he be a Mexican Islamic convert (as sought out by Al Qaeda) or Canadian.³ Terrorists do not like to be detected or detectable, nor do they want their identity “frozen”. (We know, for example, from detainee reporting after 9/11, that the tightening of immigration admission standards for persons traveling from countries of interest resulted in Al Qaeda

³ For more information about the threat of Canadian terrorist entry over the northern border, see my testimony of November 17, 2005 before the House Small Business Committee, “Building a Wall Between Friends: Passports to and from Canada?”

leaders seeking out young recruits and others with easy access to the West—U.S. citizens, Canadians, Mexicans and those with access to Visa Waiver passports.)

Even if terrorists choose to acquire a passport with a false identity and with false underlying support documents (as Ahmed Ressam did) that identity is at least frozen and aliases to cross the border (as Ressam did use) are not possible. What would have caught Ressam was a biometric in that passport that then linked up to the watchlist Ressam was indeed listed on in Canada. Today, a hit on a terrorist such as Ressam would most likely occur through either a DHS TECS Lookout provided by U.S. or foreign law enforcement, a U.S. terror watchlist hit, an IDENT or FBI IAFIS hit, or through a biometric wanted notice now available to our border inspectors through Interpol.

The staff report I co-authored with my 9/11 Commission border teammates, *9/11 and Terrorist Travel*, details in even greater depth how the 9/11 hijackers exploited our vulnerabilities using our legal border system. Part of the everyday business of terrorist travel is the bustling black market in doctored and false passports. In addition, an estimated 10 million lost or stolen passports or national identification cards worldwide afford terrorists easier access to world travel.⁴ This permits easy travel based on aliases, fake or stolen identities that, at a land border, may or may not be subject to a database check. Requiring U.S. citizens to carry a passport or biometric equivalent also means U.S. border inspectors no longer need to play a guessing game as to who is and who is not a U.S. citizen. On the Canadian and Mexican sides of the border, having a combination of the standard passport or equivalent and registered traveler programs that limit what a border officer must review gives border officers a better chance of snuffing out Canadian, Mexican or other Western Hemisphere passports that might be fake or stolen.

To break down the national security policy implications further of the effect that the Western Hemisphere Travel Initiative will have on the terrorist, here are the options that exist for a terrorist today: (1) use a legitimate passport using his or her real name and risk showing up on a database check; (2) use a whole variety of other documentation such as driver licenses or birth certificates that can be neither verified for content nor authenticated as government issued documents; or (3) enter illegally over the physical borders. For the terrorist today, the most optimum form of travel, then, is to use option (2), identification that can neither be authenticated nor its contents verified and contains no biometrics. By eliminating option (2), the terrorist now has to make a choice: either risk exposure to the government of his identity and whereabouts or enter illegally. Requiring use of a biometrically based passport under option (1) is what the United States needs to do to lower its risk of terrorist entry. In regard to option (3), we must take measures against illegal entry as soon as possible. There is reason for concern here, however, as Secretary Chertoff's recently announced Secure Border Initiative almost singularly focuses on the southwest border. Perhaps recent events in Canada will change his mind.

⁴ Levine, Samantha. "Terror's Best Friend." US News & World Report. December 6, 2004.

Terrorist Travel between the U.S. and Canada

Today, terrorists with Canadian citizenship can move in and out of the United States right virtually unconcerned about detection. According to reporting about FBI public statements:

Al Qaeda recruiters are aggressively enrolling youths, with U.S., Canadian or Western European passports and good command of the English language and the North American interior. While the network had always tried to recruit people with U.S. and other Western passports, FBI counter-terrorism chief Larry Mefford recently revealed that al-Qaeda was ‘refocusing its efforts’ to sign on disaffected Americans, green-card holders and Muslims who had spent time in the U.S. as students or visitors who had a good command of English and a working knowledge of American society and culture.⁵

The staff report I co-authored with my 9/11 Commission border teammates, *9/11 and Terrorist Travel*, details in even greater depth how the 9/11 hijackers exploited our vulnerabilities using our legal border system. Part of the everyday business of terrorist travel is the bustling black market in doctored and false passports. In addition, an estimated 10 million lost or stolen passports or national identification cards worldwide afford terrorists easier access to world travel.⁶ This permits easy travel based on aliases, fake or stolen identities that, at a land border, may or may not be subject to a database check. Requiring U.S. citizens to carry a passport or biometric equivalent also means U.S. border officers no longer need to play a guessing game as to who is and who is not a U.S. citizen. On the Canadian side, having a standard Canadian passport that border officers can be trained in its forensic qualities gives our border officers a better chance of snuffing out Canadian passports that might be fake or stolen.

To break down the national security policy implications further of the effect that the Western Hemisphere Travel Initiative will have on the Canadian terrorist, here are the options that exist for a terrorist today: (1) use a legitimate Canadian passport using his or her real name and risk showing up on a database check; (2) use a whole variety of other documentation such as driver licenses or birth certificates that can be neither verified for content nor authenticated as government issued documents; or (3) enter illegally over the physical borders. For the terrorist today, the most optimum form of travel, then, is to use option (2), identification that can neither be authenticated nor its contents verified and contains no biometrics. By eliminating option (2), the terrorist now has to make a choice: either risk exposure to the government of his identity and whereabouts or enter illegally. Requiring use of a biometrically based passport under option (1) is what the United States needs to do to lower its risk of terrorist entry. In regard to option (3), we must take measures against illegal entry as soon as possible. There is reason for concern here, however, as Secretary Chertoff’s recently announced Secure Border Initiative almost singularly focuses on the southwest border.

⁵ Elaine Shannon. “Al-Qaeda Seeks Canadian Operatives To get around tighter U.S. security, Osama bin Laden is trying to recruit disaffected Muslims north of the border.” July 8, 2003.

⁶ Levine, Samantha. “Terror’s Best Friend.” US News & World Report. December 6, 2004.

Analysis from the Canadian Security Intelligence Services

Reports in the news media alongside statements and reporting by Canada's intelligence service, the Canadian Security Intelligence Services (CSIS), indicate the threat of terrorist infiltration from Canada is real and dangerous. In July 2005, it was reported that CSIS stated that at least 50 terror groups have a presence in Canada. All types of terrorist activities go on in Canada, including terror financing, weapon and equipment procurement, "manipulating immigrant communities and *facilitating travel to and from the United States* and other countries."⁷

In May 2005, UPI reported that Jim Judd, director of CSIS, told the Canadian Senate in a hearing that well-known terrorists were freely organizing in Canada and although many were recent graduates of terrorist training camps, many are "battle-hardened veterans of campaigns in Afghanistan, Bosnia, Chechnya and elsewhere". He went on to say: "Often these individuals remain in contact with one another... or with colleagues outside the country, and continue to show signs of ongoing clandestine-type activities, including the use of counter-surveillance techniques, secretive meetings and encrypted communications."⁸

Two declassified CSIS reports from May 2004, stated as still accurate a year later by CSIS, reiterate the point. The first report, "Sons of the Father: The Next Generation of Islamic Extremists in Canada," states that there is a second generation of "young jihadists" who are brought up by parental figures to "see the justification of using violence to gain political goals." They are further trained in terror and represent a "clear and present danger to Canada and its allies." The report continues:

The presence of young, committed jihadists in Canada is a significant threat to national security for a number of reasons. These individuals are very familiar with Canadian customs and mores and have no difficulty fitting in to Western society. They have excellent English-language skills and can pass as average Canadians, thus evading more rigid scrutiny by security officials. Their knowledge of Canadian- and by extension Western – society renders them a valuable resource for international Islamic extremists who need individuals to infiltrate our countries to carry out terrorist acts.

Young Canadian extremists also have bona fide Canadian travel documentation. The possession of a valid Canadian passport facilitates international travel. While organizations such as Al Qaeda have sophisticated document forgery capabilities, the use of real papers provides another tool in their campaign.⁹

The other April 2004 CSIS report, "Al Qaeda Attack Planning Against North American Targets," says the current trend of radical converts poses a particularly difficult threat "due to their ability to evade scrutiny by security forces. Islamic extremists value these individuals because their appearance, documentation and ability to blend into Western

⁷ Beth Duff-Brown. "Intelligence officials believe 50 terror groups have presence in Canada". The Associated Press. July 5, 2005.

⁸ Shaun Waterman. "Canada fears new generation of terrorists". UPI. May 12, 2005.

⁹ "Sons of the Father: The Next Generation of Islamic Extremists in Canada." CSIS IB 2004-5/07.

countries increases their chances of successfully carrying out terrorist acts.” The report concludes that the outlook is for “these groups to expand their operational and support networks in Canada” and that “Islamic extremists will continue to exploit Canadian documentation for terrorist operations.”¹⁰

In an interview in May 2005 with UPI, CSIS said that the service was monitoring about 350 individuals and organizations in Canada and abroad who pose threats. And since Canada’s Anti-Terrorist Act, passed in December 2001, is not retroactive, those jihadists who trained in terror camps or whose known terrorist activity is prior to that date, are still at large.¹¹ These second generation jihadists today, under the current framework, can pass into the United States without a passport.

And a poll conducted in Canada in August 2005 suggests that Canadians agree they have a problem with terrorists residing or operating in their country: “A majority (62 per cent) believe a terror attack will occur in the country within the next few years, and only 25 per cent believe Canada is very well or well prepared.”¹²

CSIS’ Assistant Director, Jack Hooper, recently testified before the Canadian Senate that:

We are seeing phenomena in Canada such as the emergence of homegrown ... terrorists. These are people who may have immigrated to Canada at an early age who become radicalized while in Canada. They are virtually indistinguishable from other youth. They blend into our society very well, they speak our language and they appear to be, for all intents and purposes, well assimilated."

That is indeed the case with the June 3, 2006 arrest of 17 Canadian residents for an alleged terror plot.

Fact Summaries

Terrorists with Significant Canadian Residency

Canadian Intelligence is concerned about these 350 jihadists in Canada. But these numbers do not necessarily include recent reporting that over 50 terrorist organizations are active in Canada nor that last year saw a sharp rise in terror financing coming from Canada-about 32 cases- through March 2005 worth about \$2 billion, two and a half times the \$70 million of the previous year. Much of this money came from one large business in Canada owned by a Mid East individual with terrorist ties.¹³

Below, I review a sampling of terrorists with Canadian citizenship or affiliation and the threat they did (or may continue to) pose to the United States.

¹⁰ “Al Qaeda Attack Planning Against North American Targets.” Integrated National Security Assessment Centre 2004 05 21.

¹¹ Shaun Waterman. “Canada fears new generation of terrorists.” UPI. May 12, 2005.

¹² Campbell Clark with a report from Daniel Leblanc. “Canadians want strict security, poll finds”. The Globe and Mail (Canada). August 11, 2005

¹³ The Financial Transactions and Reports Analysis Centre (FINTRAC) 2005 Annual Report.

17 Arrested in Toronto on June 3, 2006. On Saturday, June 3, 2006, Canadian authorities arrested 17 Canadian citizens and residents, most of whom are immigrants from South Asia, for terrorist conspiracies across southern Ontario, including subway systems and the Parliament Building in Ottawa. Any of the citizens involved in this plot could have easily, under current laws, passed into the United States without showing a valid travel document verifying citizenship or identity. Because of today's laws covering entry, we will probably never know.

Found in their possession were three tons of ammonium nitrate, 1-½ times that used in the 1995 Oklahoma City bombing responsible for 168 deaths. The arrests were only the second time Canada has used the Anti-Terror law passed after 9/11.

The Royal Canadian Mounted Police Assistant Commissioner Mike McDonnell has stated in press conferences has said that the group was "homegrown" and it was "their intent to use [the explosives material] for a terrorist attack." CSIS stated that the suspects are "adherents of a violent ideology inspired by Al Qaeda." Of the 12 Canadian men and five youths, one was a 21-year-old health sciences student another a 30-year-old computer programmer. The oldest was 43.

The LA Times reported that the FBI has been working closely with the Canadians on the case, and that the Canadian cell received visits from two terror suspects arrested in April 2006 from Georgia, **Syed Haris Ahmed**, a 21 year old Georgia Tech student and naturalized U.S. citizen, and **Ehsanul Islam Sadequee**, a 19 year old Fairfax, VA native. They had met at an Atlanta mosque. The men, according to U.S. court documents, had been in email communication with the Canadian cell and physically went to Canada to meet in early March via Greyhound bus from Atlanta to discuss U.S. attacks and receiving military training in Pakistan. (The two men had already conducted surveillance, including in Washington D.C.)¹⁴

Both the Canadian cell and the U.S. suspects were in internet communication with each other and suspected terrorists abroad, including a London cell arrested last fall. Over the internet, a variety of plots focusing on the U.S. Capitol, the World Bank, fuel storage facilities and aviation towers were discussed.¹⁵

The reporting on the Canadian plot does not mention whether there are any immigration records for the two Georgia men on their entry into Canada or their return into the United States.

Ahmed Ressam of the LAX Millenium Plot¹⁶ Ahmed Ressam was born in Algeria in

¹⁴ Jason Chow and Ricardo Alonso-Zaldivar, "Canada Arrest 17 in Alleged Terror Plot." *Los Angeles Times*, June 4, 2006.

¹⁵ Ibid.

¹⁶ Most of this section was attained while I was counsel on the 9/11 Commission, with supplemental research provided by Vinay Tripathi while I was a senior consultant for the Investigative Project on Terrorism on a to date unpublished report entitled "An In-Depth Analysis of the Structure of Al Qaeda and Militant Islamic Terrorist Groups in the United States: The Enterprise of Terror in the United States" (March 2005).

1967 and, in 1992, when civil war broke out, traveled to France where he lived, illegally, until 1994. Using a false French passport, he then made his way to Montreal where he lived for the next four years. In Canada he “became interested in going to bin Laden's camps for training” after “friends returned to Montreal with stories about Osama bin Laden's ‘Jihad University’ in Afghanistan.”¹⁷

In April 1998, after meeting with Abu Zubaydah in Pakistan, Ressam was sent to the Khaldan camp in Afghanistan where he spent the next five to six months. Khaldan had earned a reputation for its instruction in how to acquire, forge, and manufacture travel documents and credit cards, and Ressam learned well.¹⁸ At Khaldan Ressam also learned the other tradecrafts of a terrorist, the use of weapons, bombmaking, and urban warfare. Zubaydah himself was sufficiently impressed with Ressam’s passport manipulation abilities to have apparently asked him to acquire additional Canadian passports for distribution to al Qaeda fighters.¹⁹ And it was Ressam’s deft handling of fake travel documents that brought him to the attention of Khalid Sheikh Mohammed during his final visit to Pakistan. He would soon return to Canada (in January 1999) to pursue the plot to blow up Los Angeles International Airport.

On December 14, 1999, a sweaty, nervous Ahmed Ressam was given a secondary inspection when he became reluctant to answer a basic question about his destination. He had just pulled off from a late-arriving ferry at Port Angeles, Washington. In answer to questions, Ressam pulled out fake documents—including a Canadian passport- in the name of Beni Antoine Noris. This was not the first time Ressam was asked questions. Ressam had already undergone a cursory examination by a U.S. immigration officer in Vancouver, who had been suspicious of Ressam as he was the last to board an already late ferry. The examination included a cursory look in the trunk (but not the tire well where the explosives materials were hidden) as well as a run of the name on the passport (Noris) against the INS terrorist database without getting a hit. Although a subject by the name of Ressam was wanted in Canada, neither that name nor the alias Noris was in the INS database. Ressam was admitted for boarding.

Ressam’s trial testimony provides valuable insight into one terrorist’s ability to circumvent border security around the world. He described how al Qaeda supplemented its global terrorist network with operatives trained in Afghanistan and thereafter embedded in satellite locations. In France, Canada and elsewhere, Ressam operated in conjunction with fellow terrorists stationed in Europe. He traveled extensively using doctored travel documents that allowed him to take on a variety of identities, including the one he used in Canada—that of a refugee seeking asylum and a new home. In

¹⁷ “Trail of a Terrorist: Introduction.” *PBS FRONTLINE*. Oct. 25, 2001

<http://www.pbs.org/wgbh/pages/frontline/shows/trail/inside/cron.html>

¹⁸ USA v. Ressam, et al. WDVA 99-CR-666. “Indictment.” April 3, 2001. *See also* Zill, Oriana. “Crossing Borders: How Terrorists Use Fake Passports, Visas, and Other Identity Documents.” *Frontline*. October 2001. <http://www.pbs.org/wgbh/pages/frontline/shows/trail/etc/fake.html>; and USA v. MOKHTAR HAOUARI, et al. SDNY S4 00 Cr. 15. Cross-examination of Ahmed Ressam, July 3, 2001 (transcript p. 549-551).

¹⁹ Zill, Oriana. “Trail of a Terrorist: Crossing Borders: How Terrorists Use Fake Passports, Visas, and Other Identity Documents.” *PBS FRONTLINE*. Oct. 25, 2001

<http://www.pbs.org/wgbh/pages/frontline/shows/trail/etc/fake.html>

actuality, Ressay was a member of the Armed Islamic Group²⁰ (GIA, or Groupes Islamiques Armés).

Ressay testified that manufacturing and trafficking fraudulent travel documents served several functions, providing entrée to the target country, a means to make money, and a way to stay embedded in a given location. From 1994 to 1998, Ressay lived in Montreal, actively robbing tourists—some thirty to forty times, by his count—of money and travel documents. Ressay described his livelihood: “I used to take the money, keep the money, and if there [were] passports, I would sell them, and if there [were] Visa credit cards, I would use them up, and if there were any traveler’s checks, I would use them or sell them.”²¹ Though Ressay was arrested four times for his thievery, he was convicted just once; and he was punished with a fine, not jail time.²²

Abderraouf Jdey, aka Faruq Al-Tunisi, is a Tunisian that studied biology at the University of Montreal.²³ In 1995, he became a Canadian citizen.²⁴ In 1999, he received a Canadian passport and traveled to Afghanistan.

The *9/11 Final Report* states that Jdey “may have trained in Afghanistan with [9/11 hijackers] Khalid al Mihdhar and Nawaf al Hazmi and received instruction from KSM with [Mohamed] Atta and [Ramzi] Binalshibh.” There is also evidence from materials seized at a Pakistani safehouse that Jdey was an initial member of the 9/11 plot. In another safehouse of al Qaeda operations chief Mohammed Atef in Kabul in November 2001, coalition forces found martyrdom videotapes made by Jdey and Binalshibh. 9/11 mastermind Khalid Sheikh Mohammed has admitted Jdey to be a top operative, but has said that Jdey was to participate in a planned second wave of attacks, and had already dropped out of that plot as well by the summer of 2001.

However, young Canadian Al Qaeda operative Mohammed Mansour Jabarah states otherwise. Jabarah has told Canadian intelligence that Jdey downed American Airlines Flight 587 with a shoe bomb on November 12, 2001. A May 2002 Canadian government memo characterized this information as coming from a “source of unknown reliability.” Jabarah said he received this information second hand by Abu Abdelrahman, a high ranking Saudi al Qaeda member associated with KSM.²⁵ While the FBI issued a high

²⁰ Zill, Oriana. “Crossing Borders: How Terrorists Use Fake Passports, Visas, and Other Identity Documents.” *Frontline*. October, 2001. <http://www.pbs.org/wgbh/pages/frontline/shows/trail/etc/fake.html>.

²¹ USA v. Ressay, et al. WDVA 99-CR-666. “Indictment.” April 3, 2001.

²² *Ibid.*

²³ www.scienciapress.com/findings/mailler.htm. This site also weaves a theory that Jdey may have been the anthrax mailer to Senators Leahy and Daschle in September 2001. However, this theory remains unsubstantiated.

²⁴ Research used in this section was provided by Josh Lefkowitz at the Investigative Project on Terrorism. Sources for this section are the *9/11 Final Report* (p. 527); and <http://www.fbi.gov/terrorinfo/jdey.htm>. (accessed November 8, 2005); “Wanted – Again Canadians on an FBI Terror List.” *CBC News Online*. May 27, 2004; Bell, Stewart. “Montreal Man Downed U.S. Plane, CSIS Told.” *The National Post*. Aug. 27, 2004.

²⁵ Bell, Stewart. “Montreal Man Downed U.S. Plane, CSIS Told.” *The National Post*. Aug. 27, 2004. Ted Lopatkiewicz, spokesman for the National Transportation Safety Board, said: “We have seen no evidence of anything other than an accident here. There has been no evidence found, from what I can tell—at least that’s been relayed to us—that there was any criminality involved here. It appears, at least the evidence we have, is that a vertical fin came off, not that there was any kind of event in the cabin.”

alert for Jdey in 2002, there has been no further public information regarding Jabarah's claims. Attorney General Ashcroft conducted a press conference in May 2002 stating that Jdey was one of seven al Qaeda associates "sought in connection with the possible terrorist threats in the United States." Jdey's whereabouts are unknown.

Another wanted naturalized Canadian with a \$5 million bounty on him by the FBI is **Amer Al-Maati**. His name was found on documents in Afghanistan.²⁶ He is a licensed pilot who had vowed to hijack a plane and crash it into a U.S. building.²⁷ In August 2004 there was an unsubstantiated report that he was seen at the Nantucket Airport.²⁸ Also listed is Canadian citizen **Faker Ben Abdelazziz Boussora** who is known to have a suicide note and concern exists he may try to reenter Canada to plan a terrorist attack. He is believed to have possibly entered the United States. Boussara also faces a \$5 million bounty.²⁹

The Jabarah brothers. On July 3, 2003, Abdulrahman Mansour Jabarah, then 24, was killed in a firefight between Saudi authorities and an Al Qaeda cell close to the Jordanian border. Jabarah, like his younger brother, Mohammed "Sammy" Jabarah, was a second-generation Canadian citizen with close ties to senior Al Qaeda leadership. The boys grew up in Canada and attended conservative mosques in a town about 200 miles north of Detroit. Their father is an Iraqi, their mother a Kuwaiti. The couple had emigrated to Canada in 1994. Both boys had traveled to Pakistan and met up with Al Qaeda there. Until his death, the FBI considered Abdulrahman Jabarah quite dangerous.³⁰

"Sammy" Jabarah, in U.S. custody since April 2002, was found after his Jemaah Islamiyah contacts in Singapore were arrested and identified Jabarah as their Al Qaeda contact after a September 2001 meeting. "Sammy" was to supply cash for explosives for their attacks on Western embassies and a U.S. warship docked in the Singapore harbor. He was traveling on a Canadian passport. After interrogation by the Canadians, Jabarah was turned over to U.S. custody, where he resides today. He was originally recruited in Canada and sent to Afghanistan for training in the summer of 2001. Authorities all say that Jabarah was sent to Southeast Asia by Osama bin Laden, having met with him four times and sworn his allegiance to him. His planned attack "could have killed thousands."³¹

The Khadr family. **Ahmad Said Al-Khadr** was a high-ranking ranking Al Qaeda operative who had emigrated to Canada from Egypt in 1975 and married a local Palestinian woman. He met Osama bin Laden in 1985 and became his closest ally in Canada. He worked for the militant Islamic charity, Human Concern International. Pakistan arrested Khadr in 1995 for misappropriating HCI funds for an attack on the

²⁶ "FBI seeks man tied to al Qaeda." CNN.com. Nov. 13, 2002.

<http://archives.cnn.com/2002/US/11/13/alqaeda.suspect>

²⁷ Adrian Humphreys. "Gaps found in border database, Dangerous Individuals not Red-Flagged." The National Post. August 16, 2005.

²⁸ Sean Murphy. "Possible terrorist sighting roils isle." Boston.com. August 21, 2004.

²⁹ Ibid.

³⁰ Elaine Shannon. "Al-Qaeda Seeks Canadian Operatives To get around tighter U.S. security, Osama bin Laden is trying to recruit disaffected Muslims north of the border." July 8, 2003.

³¹ "INDEPTH: PASSPORT TO TERROR." CBC News Online. October 2004.

<http://www.cbc.ca/printablestory.jsp>.

Egyptian Embassy in Pakistan. However, Canada intervened and soon Khadr was back in Canada. His entire family became Al Qaeda. Osama bin Laden married one daughter to an Al Qaeda member in 1999. Another son, 23, is a fugitive who once ran an Al Qaeda training camp.³² Another son, 19, was wounded in battle after throwing a hand grenade at U.S. soldiers that left one soldier dead and three others wounded.³³ He is now detained at Guantanamo. And another son, 14 at the time, was wounded severely in a gun-battle in Pakistan with Pakistani authorities. That same battle left his father dead. One son, 22, returned to Canada in October 2003 and denounced his family's extremism, labeling his family an "Al Qaeda" family.³⁴

Canadian Terrorist with U.S. Residency

Mohammed Warsame was born in Somalia and sought refugee status in Canada in 1989.³⁵ He became a naturalized Canadian citizen and moved to Minneapolis in 2002. He was arrested in December 2003 as a material witness in the Zacarias Moussaoui case. At the time of his arrest, he was a student at Minneapolis Community and Technical College. In January 2004, Warsame was indicted and charged with conspiracy to provide material support to al Qaeda. Warsame has admitted attending an al Qaeda training camp in 2000 and 2001 and receiving military training (weapons, martial arts). He attended lectures given by Osama bin Ladin and even sat next to him at a meal. Moreover, he fought with the Taliban and provided financial assistance to al Qaeda members in Pakistan once he had returned to the United States.

Wanted Al Qaeda Operative with U.S. Legal Residency Possibly Holding a Canadian Passport³⁶

Born in Saudi Arabia, **Adnan El-Shukrijumah**, aka "Jafar the Pilot," has spent 15 years in the United States (mostly in South Florida), speaks fluent English, and has been



employed as a teacher.

³² Daniel Pipes. "The Khadr: Canada's First Family of Terrorism." New York Sun. March 16, 2004.

³³ "U.S. military charges Omar Khadr with murder." CTV.ca News Staff. Nov. 8, 2005.

³⁴ Daniel Pipes. "The Khadr: Canada's First Family of Terrorism." New York Sun. March 16, 2004.

³⁵ This paragraph is found in my report, "Immigration and Terrorism: Moving Beyond the 9/11 Staff Report on Terrorist Travel," Center for Immigration Studies (September 2005).

³⁶ This section on El-Shukrijumah is found in my report, "Immigration and Terrorism: Moving Beyond the 9/11 Staff Report on Terrorist Travel," Center for Immigration Studies (September 2005).

El-Shukrijumah trained with Jose Padilla to partner in the dirty bomb plot, helicopter plots, and the New York and New Jersey financial infrastructure plots discovered in the summer of 2004. A Department of Homeland Security document quoted in Newsweek states that “KSM has identified Adnan el-Shukrijumah, a Saudi born permanent U.S. resident alien, as an operative with standing permission to attack targets in the United States that had been previously approved by Osama Bin Ladin.”

FBI Director Robert Mueller called him “a trained operative who poses an operational threat to the United States” who the FBI considers to be armed and dangerous. In late 2000 or early 2001, El-Shukrijumah was under investigation for his relationship to Imran Mandhai, convicted in Florida of conspiring to bomb a National Guard armory, power stations, Jewish businesses, and Mount Rushmore prior to 9/11. Mandhai was associated with Hakki Cemal Aksoy, convicted in 2002 for firearms violations and asylum fraud and in whose apartment bomb making manuals and notes were found.

El-Shukrijumah had previously applied for naturalization, but the INS interior enforcement office in Miami noticed that the application was fraudulent. The INS agents working the case met with the U.S. Attorney’s Office in Miami, and even discussed seeking a search warrant for El-Shukrijumah’s residence. Without further information linking El-Shukrijumah to terrorist activity, the matter was dropped.

As an LPR, El-Shukrijumah easily traveled to and from attended training camps in Afghanistan, where he was most likely schooled by Ramzi Binalshibh, famous for his role as emissary between KSM and 9/11 ring leader Mohamad Atta. El-Shukrijumah is a skilled bomb maker and a Florida trained pilot, and authorities have found a document that ties him (via one of his aliases) to the Oklahoma flight school where Zacarias Moussaoui trained. He may have been friendly with Atta as well, as I describe an immigration officer’s witnessing of receiving a request for help with travel documents in May 2001 from El-Shukrijumah on behalf of Atta and likely another 9/11 pilot in *9/11 and Terrorist Travel*. According to Attorney General John Ashcroft, El-Shukrijumah “scouted sites across America that might be vulnerable to terrorist attack.” In addition to surveilling high-profile targets in New York’s financial district, El-Shukrijumah surveilled the Panama Canal.

Back in the United States, he was also involved in an aborted plot with Jose Padilla to blow up apartment buildings in the United States. He was also likely Padilla’s first partner in the dirty bomb plot, but differences between them ended the joint venture. There are also reports that El-Shukrijumah attempted to procure radioactive material from McMaster University in Hamilton, Ontario. In March 2004, El-Shukrijumah attended a terrorist summit in Pakistan and met with a number of key al Qaeda members, including Abu Issa Al-Hindi, Mohammed Naeem Noor Khan, and Mohammed Babar. IN past months he has been spotted in Mexico. He reportedly met with members of the Mara Salvatrucha gang (known as MS-13) in Honduras, although Interpol denies the existence of evidence of such a meeting. In September 2004, the Aviation and Security Association reported, “An alert airline crewmember saw and then confronted a suspicious acting person at Kansai International Airport in Japan. El Shukrijumah was this suspicious person.” However, law enforcement was not notified.

Reporting indicates that since El-Shukrijumah fled the United States after 9/11, he has tried to get back into the United States using various passports. He has a Guyanese passport, but may also hold passports from Saudi Arabia, Canada, and Trinidad. However, unless authorities made a decision to permit Shukrijumah his freedom for law enforcement or intelligence reasons, or know that he did manage to enter the United States on one of these passports undetected and law enforcement knows about it, I do not place much credence in these reports.

U.S. – Canada Cross Border Traffic

Hizballah cigarette smuggling scam.³⁷ Throughout the 1990s, Hizballah agents reporting to the military leadership in Lebanon smuggled millions of dollars worth of illegal cigarette sales back to the organization. The Charlotte, North Carolina smuggling ring was an extremely advanced enterprise with a clear and elaborate structure and a well-defined chain of command. Cigarettes were bought in North Carolina and sold in Michigan. A single truckload of cigarettes could yield a \$2 million profit. Operatives were stationed in Canada and as well as Lebanon. Each operative was assigned specific tasks, including maintaining communications with cell members in Canada, selling cigarettes at convenience stores, driving trucks filled with crates of smuggled cigarettes interstate, and procuring high-tech tools for Hizballah members in Lebanon.

In June 2002, a federal jury in Charlotte convicted the brothers **Mohamad Hammoud** and **Chawki Youssef Hammoud** of funneling profits from their multimillion-dollar cigarette smuggling ring to Hizballah. According to the indictment, the members of the cell planned to acquire for Hizballah such items as night vision devices, global positioning systems, mine and metal detection equipment, stun guns, nitrogen cutters (designed for cutting metal under water), laser range finders, camera equipment, advanced aircraft analysis and design software, military-style lensatic compasses, and mining, drilling, and blasting equipment.

Said Mohamad Harb, also based in Charlotte, provided the link between the cigarette-smuggling operation and a Hizballah equipment procurement cell in Canada, where he met and coordinated with a Hizballah “purchasing agent.” Harb was a key figure in transferring goods to Hizballah in part because of his expertise with fake credit cards. In particular, Harb would set up credit card and banking scams to purchase dual-use equipment (night vision devices, mine detection equipment, etc.) for Hizballah.

Mohammed Hassan Dbouk and his brother-in-law, **Ali Adham Amhaz** ran the Canadian section. Dbouk and Amhaz reported directly to Haj Hassan Haj Hilu Laqis, Hizballah’s chief military procurement officer in Lebanon. Their activities were funded in part with money that Laqis sent from Lebanon and in part by their own criminal activities in Canada, such as credit card and banking scams. In his role as a high-ranking Hizballah member and a reconnaissance and intelligence specialist employed by the Hizballah-run al Manar television station, Dbouk oversaw military equipment

³⁷ Most of this section was researched by Vinay Tripathi and Daveed Garenstien-Ross while I was a senior consultant for the Investigative Project on Terrorism on a to date unpublished report entitled "An In-Depth Analysis of the Structure of Al Qaeda and Militant Islamic Terrorist Groups in the United States: The Enterprise of Terror in the United States" (March 2005).

acquisitions such as night vision goggles and global positioning systems. According to the CSIS, at one point, a Charlotte cell member flew to Seattle to deliver a series of forged checks to Dbouk who then used them to purchase equipment for Hizballah.

An Al Qaeda operative attempts entry over the northern border. Nabil Al-Marabh stayed at a terrorist guesthouse in Pakistan known as the House of Martyrs, engaged in weapons training in Afghanistan, and worked for the Muslim World League—then an important source of al Qaeda’s funds³⁸—in the early 1990s.³⁹ He then worked at the same Boston cab company as individuals convicted in Jordan for the Millennium plot to blow up religious and western tourist locations in Jordan.⁴⁰ These individuals identified Al-Marabh as an al Qaeda operative.⁴¹ Al-Marabh maintained a Boston address from 1989 to 2000.⁴² He also lived in Toronto, Detroit, Tampa, and Chicago.⁴³

On June 27, 2001, Al-Marabh tried to illegally enter the United States near Niagara Falls by hiding in the back of a tractor-trailer. He had a forged Canadian passport and fake social insurance card.⁴⁴ He later told authorities he had regularly traveled illegally between Canada and the United States.⁴⁵ Moreover, Michigan state records showed Al-Marabh receiving five driver’s licenses there in thirteen months; he had licenses for Massachusetts, Illinois, Ontario, and Florida,⁴⁶ and a commercial driver’s license and a permit to haul hazardous materials,⁴⁷ including explosives and caustic chemicals.⁴⁸

In September 2001, authorities raided a Detroit residence that had Al-Marabh’s name on the mailbox. They found three men with fake immigration documents, airport identification badges, and a notebook containing handwritten notes about security at a U.S. military base in Turkey and an airport in Jordan.⁴⁹ These men, who may also have been involved in a plot to kill former defense secretary William Cohen during a visit to Turkey,⁵⁰ were later charged with being part of an al Qaeda sleeper cell.⁵¹ They were convicted, but the verdict was thrown out in September 2004.⁵²

³⁸ USA v. Arnaout. “Government’s Evidentiary Proffer Supporting the Admissibility of Co-Conspirator Statements.” NDIL 02-CR- 892. Jan. 31, 2003 at p. 25.

³⁹ Steve Fainaru. “Sept. 11 Detainee is Ordered Deported.” The Washington Post. Sept. 4, 2002.

⁴⁰ Farmer, Tom. “Bin Ladin Operative May Have Lived In Dorchester For More Than 10 Years.” The Boston Herald. Sept. 19, 2001 and USA. v. Elzahabi. DMN 04-MJ 26. “Criminal Complaint and Affidavit of Kiann Vandover, FBI Special Agent.” June 25, 2004.

⁴¹ Golden, Tim with Judith Miller. “Bin Ladin Operative Is Linked To Suspects.” The New York Times. Sept. 18, 2001.

⁴² Farmer, Tom. “Bin Ladin Operative May Have Lived In Dorchester For More Than 10 Years.” The Boston Herald. Sept. 19, 2001

⁴³ Schiller, Bill. “Terrorism Suspect had Florida Link.” Toronto Star. Oct. 26, 2001.

⁴⁴ Dimmock, Gary and Aaron Sands. “Toronto Shop Clerk Tied to World Terror.” The Ottawa Citizen. Oct. 29, 2001.

⁴⁵ Ibid.

⁴⁶ Schiller, Bill. “Terrorism Suspect had Florida Link.” Toronto Star. Oct. 26, 2001.

⁴⁷ Philip Shenon and Don Van Natta Jr., “U.S. Says 3 Detainees May Be Tied to Hijackings,” The New York Times, November 1, 2001.

⁴⁸ Wilgoren, Jody and Judith Miller. “Trail of Man Sought in 2 Plots Leads to Chicago and Arrest.” New York Times. Sept. 21, 2001.

⁴⁹ USA v. Hannan, et al. EDMI 01-C-R80778. ”Criminal Complaint of Robert Pertuso, FBI Special Agent.” Sept. 18, 2001.

⁵⁰ “Terror Supporters among Us.” Associated Press, Nov. 17, 2001.

<http://www.cbsnews.com/stories/2001/11/17/archive/main318417.shtml> (accessed Oct. 28, 2004).

Al-Marabh was arrested in Chicago in September 2001 on a parole violation related to his stabbing of a man who had lived in his apartment.⁵³ In 2002, he pled guilty to conspiracy to smuggle an alien into the United States⁵⁴ and was ordered deported.⁵⁵ Prosecutors said the government had no evidence linking him to terrorism.⁵⁶ The judge questioned the government's previous documentation of Al-Marabh's ties to terror and also noted he was found with \$22,000 in cash and \$25,000 worth of amber jewels in his possession when he was arrested.⁵⁷ He was deported to Syria in January 2004. Months later, a press release from Immigration and Customs Enforcement called Al-Marabh a "suspected terrorist."⁵⁸

An Algerian terror cell dismantled. On November 3, 2005, it was reported that CSIS uncovered a Toronto-based cell of four Algerian refugee applicants who were members of the largest Algerian Islamic group, the Salafist Group for Call and Combat, financed by Osama bin Laden. According to the report, "the central figure of the Toronto-area cell was a former Al Qaeda training camp instructor who studied bomb-making at Osama bin Laden's Al Farooq and Shladun training camps in eastern Afghanistan." Apparently this individual left Canada in March 2004 after being approached by authorities. Three others were deported from Canada this past summer.⁵⁹

On November 5, 2005, **Brahim Bouchaib**, an Algerian formerly of Toronto, who may also be tied to this cell, admitted in a New York courtroom of making false statements to the Western New York Joint Terrorism Task Force. He had originally told immigration authorities that he had not entered the United States under an alias in 1999. He had actually entered the United States in 1997 on a false French passport. In early 2004, he married an American and moved back to Toronto, while his wife remained in Minnesota.⁶⁰

A Canadian Voice on Border Security

Canada has already spent \$6.5 billion to enhance its border security.⁶¹ Despite this sum, the Canadian Senate Standing Committee on National Security and Defence released a report in June 2005 regarding the urgent need for coupling security and facilitation

⁵¹ USA v. Koubriti, et al. EDMI 01-C-R80778. Indictment. Sept. 27, 2001.

⁵² Karush, Sarah. "Judge Drops Charges in Mich. Terror Case." The Associated Press. Sept. 3, 2004.

⁵³ "Boston Fugitive Arrested." Federal Bureau of Investigation Press Release. Sept. 20, 2001. and Wilgoren, Jody and Judith Miller. "Trail of Man Sought in 2 Plots Leads to Chicago and Arrest." The New York Times. Sept. 21, 2001.

⁵⁴ USA v. Al-Marabh. WDNY 01-CR-244-A. Plea Agreement. July 8, 2002.

⁵⁵ Fainaru, Steve. "Sept. 11 Detainee is Ordered Deported." The Washington Post. Sept. 4, 2002.

⁵⁶ Ibid.

⁵⁷ Owens, Anne Marie. "Judge Gets No Answers on Syrian: Former Toronto Suspect Jailed in U.S. for Border Breach." The National Post. Sept. 4, 2002.

⁵⁸ "Selected Terrorism Investigations That Involved ICE and ICE Authorities," Immigration & Customs Enforcement Press Release. July 27, 2004.

http://www.ice.gov/graphics/news/factsheets/072704terrorist_fs.htm (accessed Oct. 5, 2004).

⁵⁹ Stewart Bell. "CSIS: terror cell busted." The National Post. November 3, 2005.

⁶⁰ Dan Herbeck. "Reports quizzing on ties to Algerians in Toronto." November 5, 2005.

⁶¹ Beth Duff-Brown. "Intelligence officials believe 50 terror groups have presence in Canada". The Associated Press. July 5, 2005.

together at land ports of entry between the United States and Canada. The report describes the value and need for “chokepoints” between our two countries as necessary and protective of each nation. With CSIS estimating 50 terrorist organizations operating in its country and the U.S. State Department estimating about 40 terrorist organizations with support of some form here in the United States, the Canadian Senate Committee makes a valid point. It states:

We need the border, partially for security reasons. The land border and its crossings provide us with natural chokepoints that work to protect both Canada and the United States. The border itself is a necessary separation of two discrete societies; and border crossings are valuable for monitoring the movement of people and goods between those societies to ensure that only legitimate people and goods pass back and forth.⁶²

The report’s Executive Summary describes the mutual Canadian-U.S. lack of action to couple security with facilitation since 9/11, asserting (as I do) that the two missions can and should work in tandem and in support of the other:

Despite what should have been the wakeup call of September 11, 2001, there has been an unsettling lack of progress on both sides of the border to improve efficiency and strengthen security at land border crossings. These crossings represent each country’s last, best chance to scrutinize persons and cargo that should not be entering each other’s territory.

What do we need to do to make these border crossings effective chokepoints for cutting off wrongful entry, while still enabling minimal passage times for cars and trucks on innocent voyages?

Beyond the obvious need for upgrades to infrastructures and systems, the Committee believes that the only way to twin good security with good commerce is to change the entire culture at border crossings.⁶³

The report then goes to address serious concerns, the first of which is to “EMPHASISE SECURITY, NOT MINOR ECONOMICS”. Twenty-six recommendations are made, one of which is a virtual the mirror image of the 9/11 Commission recommendation as interpreted by the Western Hemisphere Travel Initiative:

By 2007, the government require documentation of all people entering Canada (including Canadians) that is: a) Tamper-proof; b) machine-readable; c)

⁶² “Canada’s Land Border Crossings are Key to Canada’s Security and Prosperity. Why the Lack of Urgency to Fix Them? What will happen if We Don’t? An Interim Report of the Senate Committee on National Security and Defence.” Senate of Canada Standing Committee on National Security and Defence, p. 15 (June 2005) <http://www.parl.gc.ca/38/1/parlbus/commbus/senate/com-e/defe-e/rep-e/repintjun05-e.pdf>

⁶³ “Executive Summary: Borderline Insecure. Canada’s Land Border Crossings are Key to Canada’s Security and Prosperity. Why the Lack of Urgency to Fix Them? What will happen if We Don’t? An Interim Report of the Senate Committee on National Security and Defence.” Senate of Canada Standing Committee on National Security and Defence. June 2005. <http://www.parl.gc.ca/38/1/parlbus/commbus/senate/com-e/defe-e/rep-e/repintjun05-e.pdf>

Biometrically enhanced; and, d) Known to have been issued on the basis of reliable documentation.⁶⁴

Terrorist Activity South of the Border

South of the U.S. border abounds in terrorist activity. However, below are highlighted a few regions that pose potential concern not usually discussed in depth in U.S. policy discussions in order to inform the Committee regarding the threat that the Western Hemisphere exception poses to U.S. national security. Considering that, at minimum, the Coleman Amendment will continue that exception for another three years, it is essential that we understand the threat maintaining the exception poses.

Mexico

There is a plethora of news accounts about debris being found on the Southwest physical border of Islamic postcards, notebooks, and prayer rugs. We know of one public acknowledgement of a convicted terrorist who managed to cross the southwest border in a car. A Hizballah operative **Mahmoud Youssef Kourani** left Lebanon to travel to Mexico after bribing a Mexican consulate official in Beirut with \$3,000 to obtain a Mexican visa. Once in Mexico, he sought entry into the United States. Around February 2001, Kourani succeeded: he illegally entered the United States across the southwest border by hiding in a car trunk.⁶⁵ (Records do not indicate whether Kourani entered through a port of entry or over the physical border.)

In November 2003, a federal grand jury indicted Kourani on charges of conspiring to provide material support to Hizballah, a designated foreign terrorist organization. The indictment alleges that Kourani was a “member, fighter, recruiter, and fundraiser for Hizballah who received specialized training in radical Shiite fundamentalism, weaponry, spy craft, and counterintelligence in Lebanon and Iraq.” It also claims that Kourani recruited and raised money for Hizballah while in Lebanon.⁶⁶ Kourani pled guilty to significant terrorism charges in April 2005.

A Note on Alien Smuggling

Alien smugglers use whatever loopholes they can to manipulate U.S. border security. While we tend to think of alien smugglers running their clients across our physical borders on foot or by vehicle, our ports of entry are equally vulnerable. Failure to produce documents permits a request for asylum at an international airport or land port of entry. Equally, bogus documents like birth certificates or fake driver licenses or other currently accepted means of entry also pose the potential for successful entry. Requiring a passport or equivalent on all persons seeking entry, therefore, will help “catch and deter” alien smuggling operations, including those connected to terrorist activity.

⁶⁴ Ibid.

⁶⁵ USA v. Kourani. EDMI 03-CR-81030. “Government’s Written Proffer in Support of its Request for Detention Pending Trial.” Jan. 20, 2004.

⁶⁶ USA v. Kourani. EDMI 03-CR-81030. “Indictment.” Nov. 19, 2003.

For example, in March 2006, an FBI official testified before House Homeland Security Committee regarding the FBI's role in the Human Smuggling and Trafficking Center (HSTC), which serves to coordinate interagency efforts on, among other things, clandestine terrorist travel. HSTC supports the efforts of the National Counterterrorism Center (NCTC). Included in that testimony was the following statement:

The FBI and the HSTC recently identified a criminal enterprise that was smuggling special-interest aliens (SIAs) into the United States, and the FBI subsequently determined this criminal enterprise had a potential nexus to terrorist groups. This intelligence was provided to and is being investigated by the FBI's Counterterrorism Division in conjunction with the appropriate FBI Legal Attache offices.

In addition, **Salim Boughader Mucharrafile** is the well-known Lebanese-Mexican smuggler who is the only known smuggler our 9/11 team could identify at the time we published our *9/11 and Terrorist Travel* staff report in August 2004 as linked to suspected terrorists. Convicted in Mexico, he was then extradited to the United States for trial here.

Until his arrest in December 2002, Boughader smuggled about 200 Lebanese Hizballah sympathizers into the United States. Most of these sympathizers were young men, sent by their families to make money to send back to Lebanon. One client, Boughader said, worked for a Hizballah-owned television network, which glorifies suicide bombers and is itself on an American terror watch list. Although we do not know whether Kourani used Boughader's services, the methods Kourani used to enter the United States are the same methods Boughader used on behalf of his clients.

According to extensive Associated Press reporting on Boughader, he told reporters "If they had the cedar on their passport, you were going to help them. That's what my father taught me.... What I did was help a lot of young people who wanted to work for a better future. What's the crime in bringing your brother so that he can get out of a war zone?"⁶⁷

Relationship between the Colombian FARC and Al Qaeda

This information dovetails with an unclassified post-9/11 Border Patrol warning that I came across on the Commission warning of meetings in Madrid, Spain between members of Al Qaeda and the FARC. A topic of discussion at this meeting was the use of Mexican Islamist converts to infiltrate the United States across the southwest border, (presumably illegally, since the alert went to the Border Patrol). Recent reports warn that a "growing number [of illegal aliens picked up by the Border Patrol on the southwest border] hail from Central and South America, Asia, even Mideast countries such as Syria and Iran. In 2003, the Border Patrol arrested 39,215 so-called 'OTMs,' or other-than-Mexicans, along the Southwest border. In 2004, the number jumped to 65,814."⁶⁸

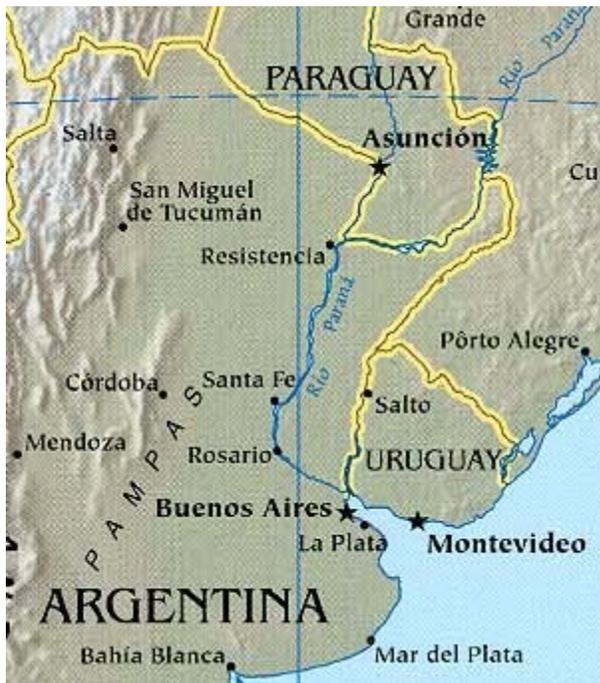
⁶⁷ Pauline Arrillaga and Olga Rodriguez, "Smuggler pipelines channel illegal immigrants into U.S. from nations with terror ties" The Associated Press (July 2, 2005)

⁶⁸ Mimi Hall, "Despite new technology, Border Patrol overwhelmed," USA TODAY . February 22, 2005.

Tri-Border Region of Paraguay, Brazil and Argentina

In 2003, the Library of Congress did a 90-page report as part of an interagency project regarding terrorist and criminal organization activity in the Tri-Border Region. Its first paragraph reads as follows:

This review of the available open-source information on Islamic terrorist group activities in Tri-Border Area (TBA) during the 1999 to 2003 period provides substantial evidence for concluding that various Islamic terrorist groups have used the TBA—where Argentina, Brazil, and Paraguay meet—as a haven for fund-raising, recruiting, plotting terrorist attacks elsewhere in the TBA countries or the Americas in general, and other such activities. Islamic terrorist groups with a presence in the TBA reportedly include Egypt’s Al-Gama’a al-Islamiyya (Islamic Group) and Al-Jihad (Islamic Jihad), al Qaeda, Hamas, Hizballah, and al-Muqawamah (the Resistance; also spelled al-Moqawama), which is a pro-Iran wing of the Lebanon-based Hizballah. Islamic terrorist groups have used the TBA for fund-raising, drug trafficking, money laundering (\$6 billion in a five year time span), plotting, and other activities in support of their organizations. The large Arab community in the TBA is highly conducive to the establishment of sleeper cells of Islamic terrorists, including Hizballah and al Qaeda. Nevertheless, as many as 11,000 members of the Islamic community in the TBA may have moved since late 2001 to other less closely watched Arab population centers in South America.⁶⁹



⁶⁹ A Report Prepared by the Federal Research Division, Library of Congress under an Interagency Agreement with the United States Government, “TERRORIST AND ORGANIZED CRIME GROUPS IN THE TRI-BORDER AREA (TBA) OF SOUTH AMERICA.” July 2003.

On 9/11, celebrations took place in the TBA glorifying the Al Qaeda attack on America. Their financial networks reach the Caribbean, discussed below.

With weak law enforcement and border security, travel and transactions in and out of the region occur basically uninhibited. Terrorist travel is further facilitated by a 2002 regional agreement that was signed permitting inspection-free container shipping and resident visas for ease of travel through the region. For example, every day 30,000 people cross the International Friendship Bridge that connects Brazil and Paraguay showing little to nothing in the way of travel documentation. A military expert's conclusion: "*open borders make the region inviting for terrorists and make an already difficult law-enforcement situation worse.*"⁷⁰

Travel document fraud in the Tri-Border region. A recent State Department report stated that amongst the terrorist cases arising from this region:

Some 17 ethnic Arabs (mostly Lebanese) [were arrested] on charges of possessing false documents; Paraguayan officials suspect some have links to HAMAS. Three Paraguayans—an attorney, a consular officer, and an Interior Ministry employee—also were arrested in connection with fraudulently issuing immigration documents to the 17 individuals.⁷¹

Hizballah in the Tri-Border region. Hizballah has long been known to operate a training camp in the region as well.⁷² Argentina alleges that a number of farms serve as Hizballah training centers.⁷³ One journalist who visited and reported back from the tri-border area found that at one of these centers, "young adults get weapons training and children are indoctrinated in Hizballah ideology."⁷⁴

In February 2000, Tri-border Paraguayan resident Ali Khalil Mehri, was arrested for selling millions of dollars worth of counterfeit Sega, Sony, and Nintendo software and funneling the money to Hizballah.⁷⁵ A search warrant of his home, came up with videos and CDs of known suicide bombers.⁷⁶ In June 2003, other counterfeiters associated with Hizballah were discovered.⁷⁷

In March 2006, CBS News reported that Tri-border resident Assad Amad Baraket was arrested, a Lebanese terrorist financier:

⁷⁰ Philip K. Abbott, "Terrorist Threat in the Tri-Border Area: Myth or Reality?" *Military Review*, Sept.-Oct., 2004.

⁷¹ "Eurasia Overview." www.state.gov/documents/organization/10291.pdf (p. 50)

⁷² Seper, Jerry. "Terror Cell on Rise in South America." *The Washington Times*, Dec. 18, 2002.

⁷³ "The Battle for Lebanon Explodes in Argentina." *Frontline World*, May 2003.

<http://www.pbs.org/frontlineworld/stories/lebanon/tl04.html>. Accessed Dec. 7, 2004.

⁷⁴ Goldberg, Jeffrey. "In the Party of God; Are Terrorists in Lebanon Preparing for a Larger War?" *The New Yorker*, Oct. 14, 2002 at p. 75.

⁷⁵ Testimony of Interpol Secretary General Ronald K. Noble before the House Committee on International Relations. "The links between intellectual property crime and terrorist financing." July 16, 2003.

⁷⁶ Faiola, Anthony. "U.S. Terrorist Search Reaches Paraguay." *The Washington Post*, Oct. 13, 2001.

⁷⁷ "Document Seized in Ciudad Del Este from Alleged Hezbollah Financier Offices." *Agence France Presse*, July 4, 2003.

But they didn't nab him on charges that he contributed to terror organizations — because in Paraguay, that's legal. Instead, he faced much lesser charges of tax evasion. An examination of Barakat's bank records have led authorities to believe he wired as much as \$50 million to terror groups. He even got a thank-you note: CBS News secured a copy of a handwritten letter from the head of Hezbollah, Hassan Nasrullah, that personally thanked Barakat for his contributions.⁷⁸

Caribbean Sea Area: Trinidad and Tobago, Venezuela, and Antigua and Barbuda

Islamic fundamentalism in Trinidad and Tobago.⁷⁹ Trinidad and Tobago, a rich tourist island located off the northeast coast of Venezuela, had a failed attempted Islamic extremist coup in July 1990. Fifteen percent of the island is Muslim. Jama'at al Muslimeen, a radical Islamic group under the control of Yasin Abu Bakr, has a close relationship to Libyan leader Muammar al Qaddafi.



CLICK ON IMAGE TO ENLARGE. Trinidad and Tobago is on lower right. Below is Venezuela. Antigua and Barbuda is mid-right.

Abu Bakr is a former policeman who founded the violent Jamaat al Muslimeen (commonly referred to simply as the Jamaat). A Trinidad native, he formed the group after studying in Canada where he converted to Islam while a student there. His group

⁷⁸ Trish Regan, "South America's Terror Connection." CBS News. March 7, 2006.

⁷⁹ Candyce Kelshall, "RADICAL ISLAM AND LNG IN TRINIDAD AND TOBAGO." Institute for the Analysis of Global Security, Nov. 15, 2004.

attempted a coup against the Trinidad government in 1990. He has long standing relations with Libya. Most recently, after threatening violence and extortion against fellow Muslims, he was convicted in March 2006 for attempted murder of former organization members. A search of his headquarters found a cache of weapons and equipment.⁸⁰

Other groups active on the island are Waajihatul Islaamiyyah (The Islamic Front) and the Jamaat al Murabiteen. The Waajihatul Islaamiyyah group has links to al Qaeda, Hamas, Egyptian Islamic Jihad and Jemmah Islamiyyah, the organization behind the Bali beachfront bombing that killed close to 200 people. In December 2002, the FBI, CIA and British SAS agents were in Trinidad investigating separate reports about specific plans to attack local U.S. and British interests by the head of The Islamic Front, **Umar Abdullah**, who had reportedly been threatening U.S. and British interests on the island.

Abdullah publishes a monthly newsletter that Osama Bin Laden, Al Qaeda, the Taliban, a "Jihad" (Holy War) against the US and Britain and the setting up of an Islamic State here.⁸¹

There were also reports prior and subsequent to 9/11 U.S.-sought **Adnan El-Shukrijumah** was living in Trinidad near schools that share his last name.⁸² In addition, two men with ties to Trinidad have been arrested in the United States. **Keith Andre Gaude**, a Jammah linked to bin Ladin, pled guilty on September 19, 2001 to unlawful possession of a machine gun. BATF officials stated he had come to Florida to "buy as many as 60 AK-47 assault rifles and 10 MAC-10 submachine guns with silencers."⁸³ GET FOOTNOTE

In 2002, Trinidad native⁸⁴ and U.S. naturalized citizen **Shueyb Mossa Jokhan** was sentenced to 58 months in federal prison for a "jihad" mission that included bombing an electrical power station and a National Guard Armory. According to the FBI, "these attacks were then to be followed by a list of demands to be placed on the United States government and other governments around the world. The defendants also sought to acquire AK-47 type assault weapons for their jihad training and operations, and sought to obtain the release from custody of an individual described as a "mujahedin" fighter committed to jihad."⁸⁵

⁸⁰ <http://64.233.161.104/search?q=cache:izni83BFbpcJ:www.answers.com/topic/yasin-abu-bakr+abu+bakr+trinidad&hl=en&gl=us&ct=clnk&cd=2&client=firefox-a>

⁸¹

http://72.14.209.104/search?q=cache:1Cyc0IXWcLYJ:www.trinidadandtobagonews.com/forum/webbbs_c_onfig.pl/noframes/read/899+Waajihatul+Islaamiyyah+trinidad&hl=en&gl=us&ct=clnk&cd=4&client=firefox-a. Dec. 2, 2002.

⁸² Candyce Kelshall, "RADICAL ISLAM AND LNG IN TRINIDAD AND TOBAGO." Institute for the Analysis of Global Security. Nov. 15, 2004.

⁸³ Martin Edwin Andersen, "AL-QAEDA ACROSS THE AMERICAS." Insight Magazine. Nov. 7, 2001.

⁸⁴ "Trinidad immigrant Confession Entered In Alleged South Florida Jihad Plot Authorities Say Pair Planned To Bomb Power Stations." NBC 6. July 25, 2002

⁸⁵ FBI Press Release, Miami Field Office, "SENTENCING IN CONSPIRACY TO DAMAGE PROPERTY BY EXPLOSIVES." Oct. 4, 2002.

Since 9/11, there have been reports of Al Qaeda members setting up shop in Trinidad, smuggling weapons and organizing cells. (See Insight Mag.)

Venezuela Venezuelan President Hugo Chavez is well known for his violent dictatorship-like leadership, affiliations with Cuba (where his troops are sent for training), and his support of FARC in Columbia (enhancing chaos and violence in that country). In 2001, he signed cooperation agreements with Libya, Iraq, and Iran. On 9/12/01, Chavez ordered government workers to burn U.S. flags in the streets to celebrate the attacks of 9/11.⁸⁶



What is less known is that in January 2003, Chavez's former personal pilot, having come to the United States after an attempt on his life and claiming political asylum, stated that immediately following 9/11, Chavez ordered the pilot (Venezuelan Air Force Major Juan Diaz Castillo) to "to organize, coordinate, and execute a covert operation consisting of delivering financial resources, specifically \$1 million, to [Afghanistan's] Taliban government. The purpose of the "donation" was to "assist the Al Qaeda terrorist organization," while, "making it appear as if humanitarian aid were being extended to the Afghan people."⁸⁷

According to Castillo's account, one million dollars was delivered to Afghanistan via the Venezuelan ambassador in India. The Taliban acknowledged receiving \$100,000 in "humanitarian aid." Castillo said the remaining \$900,000 went to al Qaeda.⁸⁸ Chavez never answered the allegations, despite public demands to do so.⁸⁹

According to the National Review, Castillo's allegations are consistent with remarks made by the former head of Venezuela's border security, *who stated that while in that position he was pressured to permit anonymous travel of Middle East and other terrorists passing through Venezuela and to deceive U.S. terrorism investigators.* "I quit my job

⁸⁶ Johan Freitas, in Caracas, "Chavez Maintains Silence: Will Not Explain His \$1M Al Qaeda Financing," www.militaresdemocraticos.com. June 5, 2003.

⁸⁷ Ivan Osorio, "Chavez Bombshell? A Defector's testimony links the Venezuelan strongman to international terror." *National Review*. Jan. 8, 2003.

⁸⁸ Ibid.

⁸⁹ Johan Freitas, in Caracas, "Chavez Maintains Silence: Will Not Explain His \$1M Al Qaeda Financing," www.militaresdemocraticos.com. June 5, 2003.

when I got tired of doing dirty work for Chavez with the Cubans looking over my shoulder," he said.⁹⁰

John Lee Mohammad in Antigua and Baruba.⁹¹ **John Lee Mohammed**, the U.S. citizen responsible for 10 fatal shootings and 3 other near fatal shootings during a terrorist-style spree in the autumn of 2002, had financially survived prior to coming to the United States by selling forged U.S.-accepted travel documents—driver’s licenses and birth certificates.

Muhammed brought **Lee Boyd Malvo** and his three children into the United States under false names, and in at least 20 incidents forged or stole identities for clients, secured air travel, and provided documents in order to secure their travel to the United States. In some cases, he charged as much as \$3,000. He forged documents for Lee Boyd Malvo’s mother when she deserted her son, but when he was not paid, Malvo essentially was kept as collateral.

With simply a birth certificate or baptismal record and a driver’s license, Mohammed’s clients, covered by the Western Hemisphere Exception for travelers from North, South or Central America or the Caribbean (but for Cuba), could easily pose as American citizens or citizens of one of the covered nations, and enter the United States.

After the Task Force created by the Attorney General of Antigua and Baruba released its Final Report in December 2002, the GAO released two 2003 studies about the ease of being admitted into the United States with counterfeit birth certificates and driver’s licenses from Canada, Mexico, Jamaica and the Bahamas, this Committee held a hearing on the topic.

The ease of fraudulent entry using something other than U.S. passports for those claiming U.S. citizenship was not limited to Muhammed and his clients.

Conclusion

As I have testified on a number of occasions, our U.S. border security is in dire shape. However, there are a few bright lights. Along with entry portion of U.S. Visit and a new emphasis on increasing interior and physical border law enforcement under the Secure Border Initiative, the Western Hemisphere Travel Initiative is an essential step to fulfilling the first and foremost requirement of border security—to provide security at our borders against terrorist entry and embedding and cross-border terrorist travel traffic. That must be a high priority objective.

However, that does not mean it need be achieved to the exclusion of commerce; it need not be. In fact, facilitation of low risk travelers and commerce is a necessary step in enhancing border officers’ ability to focus on higher risk applicants for entry into the

⁹⁰ Ivan Osorio, “Chavez Bombshell? A Defector’s testimony links the Venezuelan strongman to international terror.” *National Review*. Jan. 8, 2003.

⁹¹ Antigua and Barbuda Final Report of Task Force Investigation of John Allen Williams, a.k.a John Allen Mohammad. December 2003.

United States. I therefore applaud the work of the administration in moving ahead the Western Hemisphere Travel Initiative and hope that the Senate provisions are re-aligned with a recognition that the WHTI can be implemented with a proper assessment of how to align any variety of solutions.

As the terrorist conspiracy in Ontario with U.S. links and established cross border traffic between terrorists in the United States with Canada established, our national security may indeed depend on just that.